REMARKS

Claims 24, 25, 27, 28, 33, 34, 39 and 40 are presented for examination. The withdrawn claims 1-23, 29-32 and 35-38 have been cancelled. Claim 24 has been amended to more clearly define the claimed invention.

Claims 24, 25, 33 and 34 stand rejected under 35 U.S.C. 102(e) as being anticipated by Vallabh. Claims 27 and 28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Vallabh in view of Joseph.

Claim 24, as amended, recites a system for selling goods having multiple purchase obtaining facilities for enabling customers to obtain pre-ordered purchases, comprising:

a storage facility for storing the goods,

an ordering device for enabling a customer to place a purchase order, and

a telecommunication system responsive to the purchase order placed by the customer for requesting an ordered purchase to be delivered from the storage facility to a selected purchase obtaining facility,

the selected purchase obtaining facility comprising:

multiple purchase pick-up points,

a service area for keeping purchases delivered from the storage facility,

an identification station for receiving identification (ID) data provided by the customer arriving at the selected purchase obtaining facility to obtain the ordered purchase, and

a control system configured for:

receiving the ID data from the identification station,

in response to the ID data received from the identification station, automatically assigning a purchase pick-up point of the multiple purchase pick-up points to the customer,

determining purchase information on the purchase order placed by the customer based on the ID data provided by the customer,

based on the determined purchase information, issuing a request for delivery the ordered purchase from the service area to the purchase pick-up point assigned to the customer,

automatically releasing the purchase pick-up point assigned to the customer when the ordered purchase is obtained, and

assigning the purchase pick-up point to another customer as soon as the purchase pick-up point is released.

The Examiner admits that Vallabh does not disclose automatically releasing the purchase pick-up point assigned to the customer when the ordered purchase is obtained. Khan (cols. 7 and 8) is relied upon for disclosing this feature.

It is noted that Vallabh also does not disclose assigning the purchase pick-up point to another customer as soon as the purchase pick-up point is released. As demonstrated below, Khan also does not suggest this feature.

In particular, Khan discloses an electronic toll collection (ETC) system that has a first axle audit mechanism 28 (FIG. 1) employed to detect toll lane entry of the vehicle 2 and vehicle configuration, i.e. the number of axles (col. 4, lines 65-68). A second axle audit mechanism 29 may be employed to detect the vehicle exit (col. 6, lines 34-35).

As shown in the block-diagram in FIG. 7, when driver forwards vehicle out of exit area, the second audit mechanism 29 detects vehicle exit (step 738 and col. 7, lines 61-63). In step 740, the ETC system debits the ETC account and closes the transaction (col. 7, lines 63-65).

Accordingly, Khan suggests detecting the vehicle exit from the toll station to debit the account and close the transaction.

Therefore, the reference does not teach or suggest automatically releasing the purchase pick-up point assigned to the customer when the ordered purchase is obtained, and assigning the purchase pick-up point to another customer as soon as the purchase pick-up point is released, as claim 24 recites.

In response to Applicant's arguments presented in the previous Response, the Examiner correctly indicates that the teaching-suggestion-motivation test is no longer the sole test of obviousness.

The Examiner takes the position that Khan is introduced "as a viable system for automatically releasing the station so that next customer vehicle could enter the pickup station."

It is respectfully submitted that this Examiner's position is based on the present application rather than on the combination of applied references.

In particular, Khan's procedure in FIG. 4 includes step 438, in which the vehicle exit is detected. This step is followed by step 440, in which the system debits account and closes transaction.

Further, the procedure in FIG. 7 includes step 738, in which the vehicle exit is detected. Thereafter, step 740 is carried out, in which the system debits account and closes transaction.

Hence, Khan does not even consider "automatically releasing the station so that next customer vehicle could enter the pickup station", as the Examiner suggests.

Accordingly, the combined teachings of Vallabh with Khan would not teach or suggest the claimed features of automatically releasing the purchase pick-up point assigned to the

customer when the ordered purchase is obtained, and assigning the purchase pick-up point to another customer as soon as the purchase pick-up point is released.

In the Office Action, the Examiner correctly indicates that "one cannot show nonobviousness by attacking references individually."

However, it is respectfully submitted that the Applicant demonstrates nonobviousness based on the combined teachings of the applied references.

Assuming *arguendo,* that the Vallabh system were combined with the Khan teaching, the claimed invention would not result because the combined teachings would not suggest automatically releasing the purchase pick-up point assigned to the customer when the ordered purchase is obtained, and assigning the purchase pick-up point to another customer as soon as the purchase pick-up point is released.

Moreover, the Examiner's conclusion that the applied reference combination "would have yielded nothing more than predictable results" is respectfully traversed.

It is respectfully submitted that one skilled in the art would not be able to predict that combination of the Vallabh system with the Khan system of detecting the vehicle exit, would result in the claimed features of automatically releasing the purchase pick-up point assigned to the customer when the ordered purchase is obtained, and assigning the purchase pick-up point to another customer as soon as the purchase pick-up point is released.

In particular, Vallabh discloses that customer's vehicle is assigned to a loading station. Khan discloses that the vehicle's exit is detected based on the axle audit mechanism.

Accordingly, the result of the reference combination would be detection of the vehicle's exit from the loading station.

In the absence of the present application, there are no reasons to predict that the reference combination would result in the claimed features of automatically releasing the purchase pick-up point assigned to the customer when the ordered purchase is obtained, and assigning the purchase pick-up point to another customer as soon as the purchase pick-up point is released.

Further, as demonstrated below, the inclusion of the above-identified claimed features into the combined system of Vallabh and Khan would be uniquely challenging or difficult for one of ordinary skill in the art.

Traditional retail environment involves a store with goods arranged on the stands. A customer enters the store and walks around the stands to selects purchases before going to a check-out station. During rush hours, a long line at the check-out station is inevitable and can be addressed only by increasing the number of check-out stations.

Hence, in the traditional retail environment, it makes no sense to automatically release the check-out station used by the customer when the ordered purchase is obtained, and assign the check-out station to another customer as soon as it is released. These features would not reduce the lines.

Moreover, in a traditional store, the time spent by a customer waiting in line at the check-out station is only a small fraction of total time spent in the shopping facility. Therefore, the lines are not critical for customer's shopping experience in the traditional retail environment.

In the Internet retail environment, the claimed features also make no sense because purchases are delivered to customers.

Hence, one skilled in the art of retail systems (either traditional or Internet-based systems) is not familiar with a retail mechanism that involves automatic release and re-assignment of a purchase pick-up point.

The claimed invention combines advantages of traditional retail environment with an advance ordering of purchases.

This new environment presents unique challenges for people skilled in the art of retail systems because the time spent by a customer at a check-out station is the total time spent in a shopping facility. Therefore, this time becomes critical for customer's shopping experience.

However, people skilled in the art of retail systems use the same check-out mechanism in this new environment as one used in the traditional retail environment. In particular, retail chains with advance purchase ordering usually require customers that ordered a purchase in advance to stay in a check-out line together with customers doing traditional shopping. In the best case scenario, a separate check-out station is assigned to customers that ordered a purchase in advance.

It is noted that the priority date of the present invention – August 1, 2000. Since that date, multiple retail chains introduced the advance purchase ordering. However, the Applicant is not aware of any retail system (except the system run by the Applicant) that uses the retail mechanism involving automatic release and re-assignment of a purchase pick-up point.

Therefore, the inclusion of the above-identified claimed features into the combined system of Vallabh and Khan would be uniquely challenging for one of ordinary skill in the art of retail systems.

Hence, the subject matter of the amended claim 24 is not obvious over the applied prior art combination.

In view of the foregoing, and in summary, claims 24, 25, 27, 28, 33, 34, 39 and 40 are considered to be in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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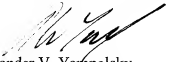

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